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MARCH 25, 2016

The Honorable William H. Pauley III
U.S. District Court for the Southern District of New York
500 Pearl Street
New York, NY 10007-1312

Re: Bridgeforth, et al. v. City of N.Y., et al., No. 16 Civ. 273 (WHP) (S.D.N.Y.)

Dear Judge Pauley:

I am Plaintiffs' counsel in the above-captioned case. I write on behalf of both Parties to submit to the Court our Joint Proposed Discovery Plan for the above-captioned Section 1983 action.

Neither Party moves to exempt this case from mediation pursuant to Local Rule 83.10 (formerly the Plan for Section 1983 Cases). As a consequence, the Parties' Joint Proposed Discovery Plan begins by suggesting a schedule that tracks Local Rule 83.10 deadlines. See Section II, infra. If the Court prefers that the case not follow Local Rule 83.10, the Parties alternatively include herein a traditional pretrial schedule. See Section III, infra. Regarding FRCP 26(f)(3), the Parties agree that the Protective Order appearing as Exhibit F to Local Rule 83.10 shall be deemed issued in this case.

I. Brief Summary Of The Complaint's Allegations

In order to provide some context for the proposal, the following is a very brief summary of allegations drawn from Plaintiffs' Complaint. On or about October 9, 2014, Defendants arrested Plaintiffs for sex trafficking. Plaintiffs contend that the arrest was founded on a neighbor's incredible and implausible allegation that Plaintiffs kept a prisoner named Gloria chained to their radiator. The District Attorney's Office for New York County declined to prosecute. Plaintiffs now allege false arrest, among other civil rights violations.

II. Proposed Local Rule 83.10 Plan

The Parties have conferred and propose the following pretrial schedule, which tracks the deadlines set forth in Local Rule 83.10. We have bulleted the proposed and mutually agreed-upon dates for ease of reference:

- On or before April 11, 2016, Defendants will answer or otherwise respond to Plaintiffs' Complaint.
- On or before April 25, 2016, the Parties will exchange Initial Disclosures.
- On or before May 2, 2016, the Parties will exchange Limited Discovery, as set forth in paragraph 5 of Local Rule 83.10.
- On or before May 23, 2016, Plaintiff may amend the Complaint without leave of the Court.
- On or before May 23, 2016, Plaintiff will serve a written settlement demand on the City.
- On or before July 18, 2016, the Parties will participate in a mediation session, which Plaintiffs will attend. If for any reason the Parties believe mediation will not be beneficial, the Court will be notified by July 1, 2016.
- In the event that mediation is not successful, the Parties will notify the Court of that fact within two weeks and the Parties will exchange formal discovery requests by that same date.
- On or before, September 30, 2016, the Parties will complete fact discovery.
- Plaintiffs anticipate conducting approximately five to seven NYPD officer depositions. Two of these NYPD officers are named Defendants in the Original Complaint. The other NYPD officers that Plaintiffs propose to depose may be added to the caption as discovery reveals their involvement and identities.
- Defendants anticipate conducting approximately seven depositions. Defendants anticipate deposing the three Plaintiffs as well as the complaining victim(s) and three other nonparty witnesses.
- The Parties do not anticipate needing any deposition to exceed 7 hours.
- The Parties do not anticipate noticing any experts in this case but, if that changes, the Parties will identify experts on or before August 1, 2016. On or before August 30, 2016, opening expert reports will be served. On or before October 30, 2016, expert discovery will conclude.

- Defendants anticipate that a summary judgment motion might be appropriate in this case. On or before October 31, 2016, Defendants will file a letter for a pre-motion conference in the event they elect to move for summary judgment.
- On or before Friday, November 4, 2016, in the event that Defendants do not file a pre-motion conference letter for a summary judgment motion by October 31, 2016, the Parties will file a Joint Proposed Pretrial Order.

III. Alternative Proposed Pretrial Schedule

In the event that this case does not follow Local Rule 83.10 at all, the Parties have conferred and propose the following pretrial schedule.

- On or before April 11, 2016 (which is the deadline for Defendants' Answer), the Parties will exchange Initial Disclosures.
- On or before Friday, September 30, 2016, the Parties will complete fact discovery.
- Plaintiffs anticipate conducting roughly five to seven NYPD officer depositions. Two of these NYPD officers are named Defendants in the Original Complaint. The other NYPD officers that Plaintiffs propose to depose may be added to the caption as discovery reveals their involvement and identities. On or before Friday, April 29, 2016, Plaintiffs will amend the Complaint to add the names of NYPD officers whose identities come to light in Defendants' Initial Disclosures. After that date, Plaintiffs will seek leave of the Court to add Parties if discovery arguably suggests that that is appropriate.
- Defendants anticipate conducting roughly seven depositions. Defendants anticipate deposing the Plaintiffs, the complaining victim(s) and two other non-parties.
- The Parties do not anticipate needing any deposition to exceed 7 hours.
- The Parties do not anticipate noticing any experts in this case but, if that changes, the Parties will identify experts on or before Friday, July 1, 2016. On or before Friday, August 19, 2016, opening expert reports will be served. On or before Friday, September 30, 2016, expert discovery will conclude (the same date as fact discovery).
- Defendants anticipate that a summary judgment motion might be appropriate in this case. On or before Friday, October 14, 2016, Defendants will file a letter for a pre-motion conference in the event they elect to move for summary judgment.

- On or before Friday, November 4, 2016, in the event that Defendants do not file a pre-motion conference letter for a summary judgment motion by October 14, 2016, the Parties will file a Joint Proposed Pretrial Order.

Thank you in advance for your kind attention. I look forward to meeting you at the Initial Conference.

Sincerely,

Ryan Lozar
Attorney for Plaintiffs

To: The Honorable William H. Pauley III (via ECF with courtesy copy via U.S. mail)
Rhiana Swartz, Counsel for Defendants (via ECF)